

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4321

IN THE MATTER OF:

Served June 15, 1994

Investigation of Failure to File)
Annual Report and Order to Show)
Cause Why Operating Authority)
Should Not be Suspended or Revoked,)
Directed to:)

LEO LAGANA (No. 105))	Case No. MP-94-17
PERKINS AMBULANCE AND WHEELCHAIR)	Case No. MP-94-18
SERVICE, INC. (No. 126))	
PRESIDENTIAL LIMOUSINE SERVICE,)	Case No. MP-94-19
INC. (No. 148))	
NOSTALGIA TOURS, INC. (No. 175))	Case No. MP-94-20
DIPLOMAT LIMOUSINE AND LIVERY)	Case No. MP-94-21
SERVICE, INC. (No. 176))	
CAPITOL ENTERTAINMENT SERVICES,)	Case No. MP-94-22
INC. (No. 193))	
SAFE TRANSPORTATION, INC. (No. 210))		Case No. MP-94-23
WASHINGTON EXPRESS, Trading as)		Case No. MP-94-24
NATION'S TOUR & TRANSPORT (No. 211))		

Under the Compact, Title II, Article XII, Section 1(a), and Commission Regulation No. 60-01, as amended by Order No. 4174, served September 24, 1993, each of the above-captioned carriers was obligated to file an annual report for 1993 on or before April 30, 1994. Early in January 1994, each carrier was furnished a form for reporting the required information. None of the above-named carriers filed its report by the due date. A reminder notice was mailed May 17, 1994. The Commission has yet to receive an annual report from any of these carriers. No requests for extension of time were or are granted.

Under of the Compact, Title II, Article XIII, Section 1(c), the Commission may initiate an investigation to determine whether a person has violated a provision of the Compact or a regulation or order. Section 1(d) of Article XIII provides that if, after hearing, the Commission finds a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order to compel the respondent to comply with the Compact and effect other just and reasonable relief.

According to Article XIII, Section 6(f), a person who knowingly and willfully violates a provision of the Compact, or regulation or order issued thereunder, shall be subject to a civil forfeiture of not

more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation. Article XI, Section 10(c), provides that the Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with a provision of the Compact or an order or regulation of the Commission.

Pursuant to Article XIV, Section (1)(a), a carrier shall bear all expenses of an investigation conducted by the Commission concerning the carrier. Section (1)(b) of Article XIV provides that the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses of the investigation.

THEREFORE, IT IS ORDERED:

1. That the Commission hereby initiates an investigation into the failure of each of the carriers identified herein to timely file its annual report.

2. That each of the carriers identified herein is hereby made a party to the proceeding in which it is named.

3. That these proceedings are hereby consolidated for hearing commencing July 12, 1994, at 10:00 a.m., in the hearing room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

4. That each of the carriers identified herein is hereby directed to appear at the aforementioned hearing to show cause why it should not be assessed a civil forfeiture, and why its certificate of authority should not be suspended or revoked, for knowing and willful failure to file its annual report.

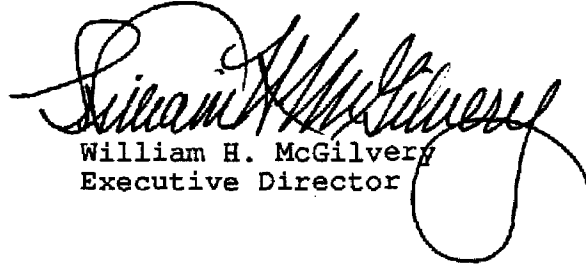
5. That each of the carriers identified herein is hereby directed to remit to the Commission in cash, or by cashier's check, certified check or money order, estimated hearing expenses of \$150 on or before July 8, 1994.

6. That in lieu of appearing at the hearing and remitting estimated hearing expenses, each of the carriers identified herein may late-file its annual report and admit to knowing and willful violation of Regulation No. 60-01 by paying to the Commission in cash, or by cashier's check, certified check or money order, a \$100 civil forfeiture, on or before July 8, 1994.

7. That the certificate of authority of each of the carriers identified herein which fails to timely remit estimated hearing expenses, or file its annual report and pay the civil forfeiture, shall be automatically suspended effective 12:01 a.m., July 13, 1994, for willful failure to comply with the requirements of this order.

8. That each carrier whose certificate is suspended under the preceding paragraph shall have thirty (30) days thereafter to show cause why its certificate of authority should not be revoked for willful failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilver
Executive Director